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## REVIEWS.

A SELECTION OF CASES ON EVIDENCE AT THE COMMON LAW. With Notes. By James Bradley Thayer, LL. D., Weld Professor of Law at Harvard University. Second Edition. Cambridge: Charles W. Sever & Co. 1900. pp. xxi, 1263.

That such an excellent collection of cases as comprised the first edition of this work could well be bettered would not, before the appearance of this volume, have seemed probable. Yet by replacing some of the cases by more recent or clearer ones, by omitting or adding a few here and there, "so as to give the different parts of the book a better proportion" (as he tells us in an introductory note), — together with a few slight changes in arrangement, Professor Thayer has managed to improve materially upon the former edition of the "Cases on Evidence." Although the present volume contains only some twenty-five pages more than its predecessor, there is a notable gain in the amount of information contained. The ground covered is, of course, the same, but in the later edition a greater thoroughness, a greater breadth of information, seem to pervade the whole book.

Three topics have been especially benefited by this revision. Perhaps the only material criticism to the first edition of the "Cases" is that not enough space was given to the intricate topic of Witnesses, which formed the last chapter. In the present edition this matter has been remedied and the chapter materially enlarged. The subject of regular entries made in account books or in the course of duty or business is subdivided into account books of parties to the litigation, and entries and declarations of third parties made in the regular course of duty or business. This plan works for clearness in the grouping of the cases, while a note suggests the interdependencies of the two subjects, and the development of the one from the other. It is in regard to this very topic that the carefulness and depth of Professor Thayer's researches into the law of evidence come out strongly. And the extended quotations from the author's own "Preliminary Treatise" serve as an admirable commentary on the cases and their sequence. Another improvement, gained mainly by a few seemingly slight but all important changes in arrangement, is to be noted in the treatment of that part of the so-called "Parol Evidence Rule" which is devoted to principles and rules of construction. The present sequence of cases and explanatory notes seems better adapted to giving the student a broad view of the fundamental principles of this topic. Other changes, more or less slight, are to be noted all through the book. The subject of burden of proof has been expanded from six to fifteen cases. The cases on "Alterations" have been entirely omitted and a brief note substituted; a change for the better, as, by the general American doctrine, the matter is extremely simple. In short, all the changes seem to be for the better; and this second edition is an excellent improvement on what was already an excellent case book, as well as one of the most widely used of all the case books.

E. S. T.